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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 WADE B. COOK,) CASE NO. C09-0509-TSZ-MAT
09) (CR05-424-TSZ)
Petitioner,)
10)
v.) ORDER SETTING NEW BRIEFING
11) SCHEDULE, § 2255 MOTION
UNITED STATES OF AMERICA,)
12)
Respondent.)
13 _____)

14 Petitioner has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his
15 sentence. The court previously directed respondent to file an answer to the motion. (Dkt. No.
16 5). Respondent has filed a notice informing the court that petitioner's petition for a writ of
17 certiorari was denied by the United States Supreme Court on May 18, 2009. (Dkt. No. 9). In
18 light of this denial, respondent requests that a new briefing schedule be issued. Accordingly,
19 the court does hereby ORDER that:

20 (1) No later than June 29, 2009, the United States shall file and serve an Answer in
21 accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States District
22 Courts. As part of such Answer, the United States should state its position as to whether an

evidentiary hearing is necessary, whether there is any issue as to abuse or delay under Rule 9, and whether the petitioner's motion is barred by the statute of limitations.

(2) **On the face of the Answer, the United States shall note the Answer for consideration on the fourth Friday after it is filed, and the Clerk shall note the Answer accordingly.** Petitioner may file and serve a response not later than on the Monday immediately preceding the Friday designated for consideration of the matter. The United States may file and serve a reply brief not later than on the Friday designated for consideration of the matter.

(3) The Clerk shall direct a copy of this Order to petitioner, counsel for respondent, and the Honorable Thomas S. Zilly.

DATED this 22nd day of May, 2009.

s/ Mary Alice Theiler
United States Magistrate Judge